



AGENDA
RIO DELL CITY COUNCIL
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, NOVEMBER 1, 2016
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE

***WELCOME . . .** By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:
 - 1) 2016/1101.01 - **Public Employee Performance Evaluation**
Title: City Manager (Pursuant to Gov't Code §54957)
 - 2) 2016/1101.02 - **Conference with Labor Negotiator – City Manager**
Concerning Labor Negotiations with Rio Dell Employees Association, Rio Dell Police Officers Association, and all Contract Employees (Pursuant to Gov't Code §54957.6)
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

- 1) 2016/1101.03 - Proclamation in Support of the Great American Smokeout
(RECEIVE & FILE) 1

J. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

K. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council embers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2016/1101.04 - Approve Minutes of the October 4, 2016 Regular Meeting **(ACTION)** 3
- 2) 2016/1101.05 - Approve Minutes of the October 18, 2016 Regular Meeting **(ACTION)** 16
- 3) 2016/1101.06 - Approve Appointment of Robert Agnew as the Public Member to the Wildwood Avenue Sculpture Committee **(ACTION)** 40
- 4) 2016/1101.07 - Approve Resolution No. 1309-2016 Authorizing Bid Award for Old Ranch Road Water line Replacement to JZ Contracting in the amount of \$33,423.00 authorizing the City Manager to execute the Construction Agreement **(ACTION)** 45

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

M. SPECIAL PRESENTATIONS/STUDY SESSIONS

N. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2016/1101.08 - City Supply of Redwood and Related Proposal by
Dias Artistries for the Use of the Material
(DISCUSSION/POSSIBLE ACTION) 51

O. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

1. 2016/1101.09 - Introduction and first reading (by title only) of
Ordinance No. 350-2016 amending Chapter 17.40,
"Enforcement", Sections 17.40.020, 17.40.030, 17.40.040
and 17.40.050 the Rio Dell Municipal Code (RDMC)
(DISCUSSION/POSSIBLE ACTION) 58

2. 2016/1101.10 - Introduction and first reading (by title only) of Ordinance
No. 351-2016 amending Chapter 13.10, Sewer Rates and
Regulations of the Rio Dell Municipal Code (RDMC)
(DISCUSSION/POSSIBLE ACTION) 68

P. REPORTS/STAFF COMMUNICATIONS

Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT


*The next regular City Council meeting is scheduled for
Tuesday, November 15, 2016 at 6:30 p.m.*

675 Wildwood Avenue
Rio Dell, CA 95562



STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager 

FROM: Karen Dunham, City Clerk

DATE: November 1, 2016

SUBJECT: Proclamation In Support of the Great American Smoke-Out

RECOMMENDATION

Read and present the Proclamation in recognition and support of the American Cancer Society's Great American Smoke-Out on November 17, 2016.

BACKGROUND AND DISCUSSION

Sylvia Jutila will be present to receive the proclamation on behalf of the American Cancer Society.

ATTACHMENTS: Proclamation

PROCLAMATION
In Recognition and Support of
THE GREAT AMERICAN SMOKEOUT
November 17, 2016

Whereas, the American Cancer Society encourages all tobacco users to join the Great American Smokeout and quit nicotine for at least one day; and

Whereas, tobacco-use remains the leading preventable cause of death in the United States; and

Whereas, numerous scientific studies cited by the World Health Organization have found toxic and cancer-causing chemicals in e-cigarettes to which both the user and bystanders are exposed; and

Whereas, e-cigarette cartridges come in fruit and candy flavors that appeal to youth and have compelled a new generation to experiment with products containing nicotine; and

Whereas, the U.S. Centers for Disease Control has documented a doubling of the percentage of middle and high school students using e-cigarettes; and

Whereas, advertising targeting college students may stimulate initiation of e-cigarette use; and

Whereas, electronic cigarettes and other novel nicotine products are not approved by the Food and Drug Administration as an effective quit-smoking aid; and

Whereas, there are many proven resources, many of them free, to help nicotine users quit.

NOW, THEREFORE, BE IT PROCLAIMED on this 1st day of November, 2016 that the City Council of the City of Rio Dell hereby recognizes and supports the American Cancer Society's **GREAT AMERICAN SMOKEOUT**, on November 17, 2016 in the City of Rio Dell and encourages all citizens who smoke, or use chew/dip tobacco or e-cigarettes, to demonstrate to themselves and their children that they can quit using nicotine by joining the American Cancer Society's Great American Smokeout.

Frank Wilson, Mayor
City of Rio Dell

**RIO DELL CITY COUNCIL
REGULAR MEETING
OCTOBER 4, 2016
MINUTES**

The closed session/regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Wilson.

ROLL CALL: Present: Mayor Wilson, Councilmembers Marks, and Thompson

 Absent: Mayor Pro Tem Johnson and Councilmember Garnes (excused)

 Others Present: City Manager Knopp, Finance Director Woodcox, and City Clerk Dunham

 Absent: Community Development Director Caldwell, Chief of Police Hill, Water/Roadways Superintendent Jensen and Wastewater Superintendent Trainee Yaple (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Public Employee Performance Evaluation – Title: City Manager

Conference with Labor Negotiator – City Manager – Concerning Labor Negotiations with Rio Dell Employees Association, Rio Dell Police Officers Association, and all Contract Employees

The Council recessed into closed session at 5:30 p.m. with the City Manager to discuss the items as posted.

The Council reconvened into open session at 6:30 p.m.

Mayor Wilson announced there was no reportable action taken in closed session.

PUBLIC PRESENTATIONS

None

CONSENT CALENDAR

Motion was made by Thompson/Marks to approve the consent calendar including approval of minutes of the September 20, 2016 regular meeting; and to receive and file the update on Employee Health Insurance; and receive and file the Request for Qualifications (RFQ) for Architectural Barrier Removal at City Hall. Motion carried 3-0.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Presentation on Humboldt Lodging Alliance and Humboldt County Tourism Business Improvement District (HCTBID)

City Manager Knopp provided a brief staff report and said he received a letter from Tony Smithers, Administrator of Humboldt Lodging Alliance and Executive Director of Humboldt County Convention & Visitors Bureau inviting Rio Dell to join in the Humboldt County Tourism Business Improvement District (HCTBID). He said the purpose of this presentation is to get an overview of the program and gauge the Council's interest in the City's participation.

Tony Smithers provided an overview of the HCTBID and said the partnership was formed in 2012 and the way the program works is that a 2% tax is assessed in addition to the Transient Occupancy Tax (TOT) collected on all overnight stays (less than 30 days) from hotels, RV parks, bed & breakfast (B&B's) and vacation rentals. He clarified that they are not asking the City to give up any of its TOT tax as the assessment is collected by the local businesses, and is submitted to the City along with the TOT tax. The City would then transmit the funds collected from the 2% assessment to the Humboldt Lodging Alliance, less 1% for the City's administrative costs.

He reported in the last four years, they have collected over \$4 million in assessments in Humboldt County and those funds were dedicated to destination marketing and supporting local events, attractions and visitor services. He said the current plan requires 25% to be reserved for local partners for special events, signage, etc. The Humboldt Lodging Alliance is working on renewal of the special district for another five years and the board has proposed changing the district to allocate 65% of assessment revenues back to the jurisdictions,

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collected in the form of grants for projects that will help to increase overnight stays. He said the remaining funds will continue to pay for a professional marketing campaign countywide.

He commented that should Rio Dell decide to join the partnership, the City could then ask for funds for Wildwood Days or some other event from the 65% that goes back into the pot for local events.

Mr. Smithers then reviewed the process to join the partnership and said upon agreement of the City and the lodging operators; they will add Rio Dell to the County Resolution of Intent and ask the City Council to adopt a Resolution of Consent granting the County of Humboldt the lead jurisdiction over the Tourism Business Improvement District in Rio Dell. He said the new district renewal is expected to go into effect July 1, 2017, at such time the lodging operators will begin collecting the 2% assessment from guests.

He noted that Rio Dell is the only jurisdiction in the County with a bed tax that is not part of the HCTBID and said they would really like Rio Dell to join the partnership and share in the benefits.

Councilmember Thompson said when this was presented to the City Council before he recalls that the owner of Humboldt Gables Motel said it would require him to include a separate line on the receipts for the tax and that he wasn't in favor of the assessment and felt it was too much to add to guests bills.

Mr. Smithers commented that there has been almost no pushback from consumers since the assessment was implemented 4 1/2 years ago, and that the tax would need to be itemized separately on the bill.

Mayor Wilson said that he heard about this at RREDC and said he believes Rio Dell is the only jurisdiction not included in the partnership and questioned the assessment on AirBnb rentals.

Mr. Smithers said AirBnb's are one of the big issues and in the County of Humboldt they signed a contract whereby the AirBnb's (internet bookings) are going to collect the assessment and submit it along with the bed tax to the County. He noted that every jurisdiction is going to have to make that same type

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of agreement with the AirBnd's otherwise; it would be up to the owner of the individual rental to collect the tax and submit it to the City.

Mayor Wilson asked who decides how the funds from the 65% retention are distributed.

Mr. Smithers said typically everyone in the partnership has a representative board member so the representative decides for their respective jurisdiction although Rio Dell would probably not have a specific board member on the Humboldt Lodging Alliance dedicated to the board. He said their thinking is that the lodging operators could form a committee and work together and decide how those monies will be distributed.

Mayor Wilson then asked if there a specific amount allocated to each jurisdiction.

Mr. Smithers explained it is a percentage of what is collected in that particular jurisdiction.

City Manager Knopp commented that this is just a receive and file item tonight and his suggestion is for staff to contact the local lodging operators and gauge their opinion on the assessment to see if they are on board. He pointed out that this is an opportunity to contribute to the economic development of the County and doesn't necessarily want Rio Dell to be the odd duck by not participating.

Councilmember Thompson asked if they put out the local tourism publication.

Mr. Smithers responded that what he is referring to is the *Insider* which is a fantastic publication but the Humboldt Lodging Alliance doesn't have a publication other than the Humboldt County Guide they put out annually.

Mayor Wilson stated that the *Insider* is a first rate magazine and it would be nice if Rio Dell was included in it.

Mr. Smithers commented that he happens to be good friends with the manager of the *Insider* and he will mention that the City would like to have Rio Dell included in the publication.

The consensus of the Council was to move forward with staff contacting the local lodging operators to gauge their interest.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Update on Community Choice Aggregation Program Implementation by Redwood Coast Energy Authority

City Manager Knopp provided a staff report and noted that this item is for information only and no action is required by the Council at this time. He said staff is trying to gauge the Council's concerns with regard to the City's participation in the Community Choice Aggregation (CCA) Program.

He provided background information on previous action by the Council and said on November 17, 2015 the Council voted unanimously to adopt Resolution No. 1279-2015 revising the JPA between the City and Redwood Coast Energy Authority (RCEA) allowing them to pursue a Community Choice Aggregation (CCA) program for Humboldt County. He said the goal was to potentially redirect local dollars towards local energy projects that lower carbon emissions, create local jobs, and potentially lower rate payer's electricity bills. He noted that a proposed ordinance to amend the Rio Dell Municipal Code (RDMC) was presented to the Council for consideration on April 5, 2016 however; the item was tabled because of various Council concerns. Some of the concerns expressed were related to the feasibility of operating a CCA program, the unknown rate structure, Eureka's undecided participation and possible impact on the rates, and the costs and process for opting in or out of the CCA program and PG&E.

He further reported that since that time, there have been some changes regarding the City's potential participation in the CCA program. He said with the exception of Rio Dell and Ferndale, all of the other local jurisdictions has opted to participate in the program including Eureka and Fortuna. He said in terms of the process moving forward, RCEA has issued guidelines for its "Launch Period Strategy and Targets" document which he noted is included in the Council packet. He stated that he also distributed copies of the final draft of the technical study in individual council mailboxes which affirms the feasibility of the CCA program to provide rate savings to rate payers as well as other benefits.

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He said the purpose of this agenda item is to get feedback from the Council on any additional concerns related to the program and return to the Council on October 18th with introduction of an ordinance related to potential participation of the City of Rio Dell in the CCA program. He announced that Richard Engel from RCEA who is very knowledgeable on the subject is in attendance to answer questions from the Council.

Councilmember Thompson questioned previous action of the Council to opt out of the CCA program.

City Manager Knopp reiterated that the Council voted unanimously to adopt the Resolution to revise the JPA and allow RCEA to pursue the CCA program and then tabled the item when the proposed ordinance was introduced to include Rio Dell in the CCA program.

Councilmember Thompson noted that the Joint Powers Agreement (JPA) between the City of Rio Dell and Redwood Coast Energy Authority (RCEA) has already been revised and a bond was mentioned for start-up costs which sounds like the City will be paying a portion of.

He noted that in the "Launch-Period Strategy Guidelines" it identifies wind turbines as a potential source of 50MW which is about 20% of what is estimated to be generated locally. He said when the proposed Bear River Ridge Wind Power project came before the City Council; it was shot down for various reasons so it's probably not going to happen. He said it seems that is a large amount of the electricity to be using in the calculations since realistically that probably won't happen.

He said he looked at the studies and at this point his concern is that the City will be financially liable if things don't work out and that the potential savings to rate payers is minimal.

Mr. Engel responded to his concerns and said as far as wind generation this is identified as a long-term goal and what they will be launching with are local biomass plants (Fairhaven, Scotia and Blue Lake) and are looking to contract out about 20MW which equals to about 50% of their combined output over the last

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six years; basically one-half of what they have historically produced. He noted that will be the biggest slice of the local renewable energy they will be putting into the system. He noted that solar energy is probably the next slice they will be pursuing and they will be asking for ideas from property owners interested in developing solar projects on their property.

He said at such time they will start talking about wind energy again there are a few things that are going to change that discussion from last time. The first thing is that the capital cost of building wind projects will have come down and so it will be much more cost effective than it was in 2012/2013. Another thing is that it won't be a large outside developer coming in proposing to do it; it will be a local consortium. He said those two things alone might make the project more attractive and more feasible.

Mr. Engel said with regard to bonds, what they are currently looking at is that most of the financing to start buying power has already been taken care of as they have contracted with suppliers for bringing power online and they have agreed to be paid when revenues start flowing in. He noted they will have to however; come up with funding for internal operating costs to cover the first year. He said they are talking with Redwood Region Economic Development Corporation (RREDC) regarding a \$700,000 loan which is basically approved.

Councilmember Thompson commented on the loan and said although they don't expect this project to fail, it's still not clear who assumes the liability in the event it does fail; in other words, who is guaranteeing repayment of the loan.

Mr. Engel stated that he is not involved in the financial side of the project and is more into the technical aspects and public engagement side of things. He said he could defer to other people on the team to get the answer. He said as far as concerns regarding failure, they have had three CCA programs up and running for a number of years (Lancaster, Sonoma and Marin) and so far are all operating in the black.

Councilmember Thompson asked as far as the size of these CCA's and the amount of electricity generated, where this program fits in.

Mr. Engel commented that it will definitely be at the smaller end.

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Councilmember Thompson asked if it is more of a challenge to put together a smaller CCA with less rate payers.

Mr. Engel didn't have that answer but pointed out there certainly are fewer dollars at risk for a smaller program.

Councilmember Marks stated the he read the study and it seems feasible but expressed concern about the cost to the citizens of Rio Dell including the cost for customers to opt out of the program.

Mr. Engel said the expectation is that they will have about 5% of the program budget going into savings, basically resulting in a negative cost. He noted that that of course, is a projection but comes from expert's opinions. He then explained that during the first 60 days after launching the program, it is free to opt out; after 60 days there is a \$5 one-time fee for residential customers and a \$25 one-time fee for commercial customers. He said after one year customers can opt back into the CCA at no cost. He noted that PG&E has a one-year rule to opt back into PG&E once a customer opts out. He noted that he actually lived in Sonoma for two years and as a customer of the CCA program he had a very good experience.

Mayor Wilson said his concern is that the way the program is set up it has an automatic opt-in provision rather than opt-out provision and he knows Rio Dell and how the citizens react to things like this. He said that he is hesitant to say that everyone is automatically in the CCA program and if they don't want to be in it, they then have to opt out.

He said the other thing is with the biomass numbers, projecting they will get 20MW consistently. He said they may get 20MW at certain times but to get that consistently with the existing biomass plants is an optimistic goal.

Mr. Engel said the success of the program doesn't rest on the 20MW and it's probably better for the system if they can't because if that is the case, they will buy cheaper renewable energy from out of state to make up the difference. He explained they are trying to buy local biomass because there are local

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stakeholders that want to see that because it contributes to keeping the industry going in Humboldt County. He said he certainly agrees and supports that.

Mayor Wilson asked if the \$85 per MW has already been established.

Mr. Engel noted that it hasn't yet been established and that they actually have a request for offers that's going to be hitting the streets later in the month. He commented that they will have the results from that toward the end of the year.

Mayor Wilson asked if the price will be fixed or if it will fluctuate.

Mr. Engel responded that they actually discussed that issue this week and decided to give bidders the option to bid on time variable pricing noting the power plants themselves will be the bidders.

Mayor Wilson commented that he would love to support the CCA program and help to make this work because he does understand the market very well as he managed that department at the Scotia plant for 2 ½ years. He said he believes the Scotia biomass plant is pulling in at 35MW so if there is a way to pull it in for \$85MW consistently that would give them an incentive to put money back into the plant. He noted that he believes Humboldt Redwood Co. (HRC) bought back the power plant for what it would take to get rid of the residual although there are piles lying around because they are not able to process it yet.

He said the other thing is that the report says that 96% of the load is accounted for based on the current participants so assumes the other 4% relates to Rio Dell and Ferndale.

Mr. Engel commented that it might even be less than that because that number came in before Blue Lake opted into the program.

Mayor Wilson asked for clarification that if the City doesn't join the program now it won't draw it down.

Mr. Engel commented that one of the issues that is kind of a concern with them is that they need to turn in an implementation plan well ahead of when they actually turn the switch on because the Public Utilities Commission (PUC) has to approve

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it. As such, they would like to have everyone who is going to join, to be on board by the time the implementation plan goes in. Otherwise, there will be extra expenses incurred to revise the implementation plan each time a new member joins. He said they can do that if necessary though.

Mayor Wilson said he would like to see how the program is working and actually see the success rate then present the concept to citizens before committing to anything. He said that he would really like to see this work because of all the biomass but Rio Dell won't make the system fail if it doesn't join now.

Mayor Wilson called for public comment; no public comment was received.

Councilmember Thompson referred to the \$700,000 loan and asked about the terms of the loan.

Mr. Engel noted that he hasn't seen the terms of the loan as it is still in progress but would be happy to find out and follow up with the City Clerk.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp distributed a written City Manager update of recent activities and events (Attachment 1 to these minutes), including information from PG&E regarding their plans for replacement of high-pressure sodium vapor streetlights to more efficient light emitting diode (LED) fixtures over the next three years.

Councilmember Thompson referred to Old Ranch Road water line replacement project and asked if there will be a sign off by all the residents before construction begins.

City Manager Knopp said that he doesn't anticipate any problems as he has already talked to the residents. He said if someone wanted to stop the work they would basically have to go to court and get an injunction to do so.

Councilmember Thompson also commented on the County's Measure U Transportation Tax and pointed out that HCAOG, at their meeting explained the proposed tax is a $\frac{1}{2}$ percent sales tax but the existing $\frac{1}{4}$ percent tax is expiring so essentially the new tax is only $\frac{1}{4}$ percent.

Finance Director Woodcox reported on recent activities in the finance department and said she wanted to thank US Bank for their donation of two desks and credenzas enabling office space for the finance department to be much more functional.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Wilson reported on the Sculpture Committee meeting and said they will be continuing to exist and will be posting a notice to try and fill the vacancy of one public member. He said one of the ideas suggested is to perhaps have a fund raiser to try and acquire art for the median.

He then announced there will be a City Council Candidate Forum held at the Chamber of Commerce on October 6th at 6:30 p.m. to allow voters the opportunity to come and ask questions of the candidates.

ADJOURNMENT

Motion was made by Thompson/Marks to adjourn the meeting at 7:38 p.m. to the October 18, 2016 regular meeting. Motion carried 3-0.

Frank Wilson, Mayor

Attest:

Karen Dunham, City Clerk

ABR Project – The City is ready to issue an RFQ for design services for the front of City Hall. We are currently awaiting approval from the Department of Housing and Community Development. The project is on track for completion by the end of this fiscal year.

The City is still in the process of hiring a Operator I/II for public works. Staff will be re- advertising this position and holding a round of interviews in about two weeks.

Questions have been asked about the next opportunity to levy a tax on Commercial cannabis activity. Barring a unanimous declaration of emergency, the next opportunity for a Cannabis tax measure is November 7, 2017. This is the next opportunity for a “general” tax measure (similar to the one originally proposed for this year). If the tax is converted to a “special” tax the following dates are available: March 7, 2017, May 2, 2017 (Mail in only), June 6, 2017, August 29, 2017 (Mail in only), and November 7, 2017. A special tax requires a 2/3 majority of voters.

On September 8, 2016 officers with the Rio Dell Police Department, with assistance from the Fortuna Police Department, executed a search warrant in the 400 block of Monument Road. The Search warrant was sought after numerous complaints of the strong odor of marijuana coming from the location. During the investigation, officers removed 200 mature marijuana plants. The seized marijuana was taken offsite where it was destroyed. The responsible party for the marijuana growing operation has yet to be contacted. A report will be forwarded to the Humboldt County District Attorney’s Office for review.

The City of Dell and Humboldt Waste Management Authority held its annual E-Waste cleanup event. The event collected 14 pallets worth of electronic waste and was considered a success. The financial numbers on the event should be known in approximately 45 days. On Sept. 17th

The police department was the recipient of a lengthy PRA request last month from a statewide media outlet. The CM wishes to congratulate and thank Chief Hill for his compliance with the request.

Staff has met privately with the residents along Old Ranch Road. An RFP was issued on September 26th and staff is fielding questions from interested contractors. A letter will be issued by next week informing the customers and property owners of the City’s final plans on this matter.

The City is still waiting for some final signs to be sent in, but most likely within the next two weeks staff will be installing some new City Limit signs, EV Charging Signs, Parking Signs and River Access signs in various locations throughout the City.

Metropolitan Wells Project Update: We are still in a holding pattern with the Water Board’s Division of Financial Assistance. They insist they are expediting the approval of our final grant, but it increasingly looks unlikely that they will approve the grant before the October 13, 2016 expiration of our existing bid from Wahlund construction. Progress on this project hinges on this approval. – Staff is also completing the final compliance requirements set for by the Federal Government for the Emergency Community Water Assistance Grant that the City has secured to help move the project forward.

Pacific Gas & Electric is moving forward on their conversion of local streetlights to LED. Street lights are expected to begin replacement in Rio Dell before the end of 2016.

Proposal from Dias Artistries Re: old wood (and possibly fence).

Staff has pulled back from the planning process for the regional water system intertie. It was originally hoped that the seller of the water (Humboldt Bay Municipal Water District) would fund or otherwise sponsor the project. That has not materialized. Further, we hoped that Fortuna might sign on to help sponsor this project, but they have withdrawn. To move forward, we would essentially have to fund the project ourselves. The maximum planning grant available to the City is approximately \$500,000 which we are already under application for this funding to realize our water system capital improvement plan. Thus, this project would now compete with existing City priorities. With no partners and what is likely an astronomical construction projection, the City Manager is recommending that this project be shelved for the time being.

ATP Grant – staff is working on a RFQ for project design services on this project.

Literature on the County's HCAOG Measure U Sales Tax is being distributed to voters countywide. A website has been published at the following address: <http://www.humboldt-udecide.com/>

The City Manager attended a FEMA training on the topic of Continuity of Government on September 28th. As a result, staff has been reviewing our Emergency Operation Plan which was last updated in 2003. The CM is currently looking for a consultant to work with the City (and our partners in the City) to help update these important planning documents and to also give us advice on other aspects of preparation. Any plan will be brought back to the council for approval.

The Council's next agenda will include the return of the cannabis land use ordinance, an update from the Community Resource Center, reconsideration of the Community Choice Aggregation project, Unmet transit needs hearing and other items.

RIO DELL CITY COUNCIL
REGULAR MEETING
OCTOBER 18, 2016
MINUTES

The closed session/regular meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Wilson.

ROLL CALL: Present: (Closed Session) Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Thompson, City Manager Knopp and City Attorney Gans

Present: (Regular Meeting) Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes and Thompson

Absent: Councilmember Marks (excused)

Others Present: City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell, City Clerk Dunham and City Attorney Gans

Absent: Chief of Police Hill, Water/Roadways Superintendent Jensen and Wastewater Superintendent Trainee Yapple (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Public Employee Performance Evaluation – Title: City Manager

Conference with Labor Negotiator – City Manager – Concerning Labor Negotiations with Rio Dell Employees Association, Rio Dell Police Officers Association, and all Contract Employees

The Council recessed into closed session at 5:00 p.m. with the City Manager to discuss the items as posted.

The Council reconvened into open session at 6:30 p.m.

Mayor Wilson announced there was no reportable action taken in closed session.

PUBLIC PRESENTATIONS

None

CONSENT CALENDAR

Mayor Pro Tem Johnson asked that Item 1 (minutes of the October 4, 2016 regular meeting) be removed from the consent calendar for separate discussion.

Motion was made by Garnes/Thompson to approve the consent calendar to receive and file the check register for September. Motion carried 4-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Minutes of the October 4, 2016 Regular Meeting

Mayor Pro Tem Johnson stated that he wished to abstain from voting on approval of the minutes as was not in attendance at the October 4th meeting. Councilmember Garnes also wished to abstain as she too was absent. As such, approval of the minutes was tabled to the November 1, 2016 regular meeting.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Presentation by Sara Faught related to Activities and Programs provided by the Rio Dell Community Resource Center

City Manager Knopp announced that he would provide a brief update on this item as Ms. Faught was unable to attend.

He provided a handout from the Community Resource Center which identified resources and referrals in Humboldt County available to the community including current programs and events (Attachment 1 to these Minutes).

City Manager Knopp noted that one of the assets the City has is the Community Resource Center as they provide a wide array of services to the community; everything from emergency food and shelter to children's play groups, bus tickets, mental health services, assistance with putting together resumes, providing access to a computer, phone or fax machine, counseling referrals,

alcohol and drug program referrals, youth programs, and senior, disabled and Veteran resource and referral assistance to name a few.

City Manager Knopp noted the Resource Center will also be putting together a community Giving Tree program to provide Christmas toys for children and that the City will be hosting one of the trees.

He reported the following as the number of persons served through the Community Resource Center from July 1st to September 30th:

- Food: 657 children and 706 adults
- Playgroup: 131 children and 93 adults
- Housing Assistance: 8 children and 73 adults
- Face-to-Face Encounters: 816 children and 1,026 adults
- Employment Assistance: 43 children and 56 adults
- Transportation Assistance: 28 children and 50 adults

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Public Hearing on Unmet Transit Needs and direction to staff to send a letter to Humboldt County Association of Governments (HCAOG) relaying the comments made during the public hearing

City Manager Knopp provided a brief staff report and explained that each spring the Humboldt County Association of Governments (HCAOG), as the Regional Transportation Planning Agency, conducts a citizen participation process to access unmet transit needs within Humboldt County. He said the annual unmet transit needs process helps HCAOG properly apply funds provided by the Transportation Development Act (TDA).

He further explained that HCAOG recommends each entity conduct a separate hearing to receive comments specific to their jurisdiction for inclusion in the Unmet Transit Needs Report of Findings.

Debra Dees from HCAOG was present to provide additional information on the process.

She explained that one of HCAOG's committees, the Special Services Transportation Advisory Council (SS-TAC) solicits input from the general public and their role is to recommend a finding on unmet transit needs to the HCAOG Board.

She noted that comments are accepted throughout the year by mail, email, in person or through public hearings. For this year's cycle, the deadline for submittal of comments is November 30th; comments received after that date will be included in the next year's report of findings. She said SS-TAC reviews all comments and if an unmet transit need is identified, the SS-TAC will apply criteria to the comments to determine if the unmet transit need is reasonable to meet then make a recommendation to the HCAOG Board.

Ms. Dees said at the end of the process the Board will need to determine one of the three following findings:

1. There are no unmet transit needs;
2. There are no unmet transit that are reasonable to meet; or
3. There are unmet transit needs that are reasonable to meet.

She stated that if the HCAOG Board finds there are no unmet transit needs or no unmet transit needs that are reasonable to meet, then entities may request funds for non-transit purposes. However, if a finding is determined that there is an unmet transit need that is reasonable to meet, then the affected entity will need to satisfy that need before any funds are allocated for non-transit purposes.

She further explained that although HCAOG is required annually to assess unmet transit needs, local entities do not need to wait for a finding through the unmet transit needs process to implement new service. Jurisdictions can implement a service anytime during the year using funds that were previously used for non-transit purposes.

She pointed out that TDA funds are not HCAOG funds and these funds are allocated to the entities and the entities determine how to spend the funds. It is simply HCAOG's role to identify any unmet transit needs and make a finding if it is reasonable to meet.

A public hearing was opened at 6:45 p.m. to receive public comment on any local unmet transit needs.

Community Development Director Caldwell commented on the bus stop at the Davis Street off ramp and Highway 101 and said there are typically three (3) to five (5) people there in the morning when he comes to work except when it's raining and there may be one (1) or no one there. He said he would encourage a bus shelter at that location as well as other locations in town when funds are available as he believes it would increase ridership on the public transit system.

There being no further public comment, the public hearing closed.

ORDINANCES/SPECIAL RESOLUTIONS

Introduction and First Reading (by title only) of Ordinance No. 345-2016 Amending the Rio Dell Municipal Code (RDMC) adding Chapter 13.35 to Title 13 authorizing participation in the Community Choice Aggregation Program implemented and operated by the Redwood Coast Energy Authority (RCEA)

City Manager Knopp provided a staff report and said back in November, 2015 discussions began regarding the development of a Community Choice Aggregation (CCA) program in Humboldt County. At that time, the City Council authorized the mayor to sign Resolution No. 1279-2015 which amended and restated the Redwood Coast Energy Authority (RCEA) JPA allowing the authority to develop a CCA program.

A proposed ordinance was presented to the Council on April 5, 2016 amending the Rio Dell Municipal Code (RDMC) authorizing the City's participation in the CCA program but the item was tabled by the Council pending further review of the program. He said on October 4, 2016, the item was brought back to the Council as an informational item in which the Council received an update on the CCA program and the participation by other entities and also received a copy of the technical study gauging the feasibility of the program.

City Manager Knopp said what is before the Council tonight is once again the introduction of the Ordinance to allow the City's participation in the program. He stated that Matthew Marshall from RCEA was present to provide a brief update and answer any further questions of the Council or the public.

Matthew Marshall reiterated for the benefit of the public what the Community Choice Aggregation (CCA) program is and RCEA's role as far as implementation.

He explained that the CCA program allows local governments to basically take on the procurement component of electricity generation while keeping PG&E in place for transmission distribution and customer billing. He said from a customer stand point, they will still get one bill in the mail and it's just that generation line item that transitions over to the CCA program.

He explained that customers can opt back into PG&E at the launch period of the program or later if they change their mind.

He noted that the reason for CCA programs is to gain local control of where electricity comes from and to control a portion of the rates. He said their goal is to make sure there is a rate savings to customers and at the same time, provide renewable energy.

He said they are in the process of launching the program and so far the jurisdictions that are participating are the County of Humboldt, Eureka, Arcata, Fortuna, Blue Lake and Trinidad. The Board adopted an implementation plan and will be following up with the state and they are on track for a May, 2017 launch date of the program. He said the key objectives of that are to insure rates are competitive and below PG&E rates because if not, the customers will opt out of the program. As such, the rate design will represent a modest rate savings with the goal of a collective rate savings over the 5-year period of the program of \$10 million or \$2 million annually on average. Another key component is to build up reserves for financial stability and then investing in local procurement so another one of the goals is to also take about \$50 million a year they spend on the generation component of the electricity service and reinvest in local savings on local procurement from local generation projects and keep those dollars in Humboldt County.

Matthew noted that as far as existing facilities, they are looking at local biomass plants and possibly contracting with one or more of those facilities. He said the Board approved a "request for offers" that will be going out to the three (3) existing biomass plants and once they begin the rate setting process, they will consider those proposals.

Matthew also explained that they are contracting with a company called TEA to do the back office technical activities because energy markets are complicated to deal with and there is a lot of complexity to it. He said they are a nonprofit corporation who works on behalf of about 50 publically owned or municipal power agencies to handle their procurement and helping to manage the market portfolio.

Mayor Wilson asked if they are currently negotiating with Humboldt Redwood Co. (HRC) regarding purchase of electricity from their biomass plant.

Matthew stated that they are not negotiating one-on-one with departments as it is unlikely they will be able to afford to contract with all three (3) biomass plants which is why they sent out the "request for offers" so each plant can respond with their pricing. He said he would say that they have been in conversations with all three (3) existing operators for the past year so they have been involved in the process. He noted that HRC's operator was in attendance at the Board meeting last night and heard the discussion so overall has been participating as an observer and will likely be responding to the "request for offers."

Mayor Wilson asked City Attorney Gans, if he, as an employee of HRC should step out of this conversation.

City Attorney Gans stated that he doesn't believe there is any pending action at this time which would compromise his ability to participate.

Mayor Pro Tem Johnson thanked Matthew Marshall for coming down and said in the information handed out, it indicated there are about 1,000 CCA programs in operation and questioned why there are only three (3) or four (4) in California.

Matthew stated there are currently five (5) operators in California delivering electricity to customers and quite a few cities exploring the possibility of launching the program.

Mayor Pro Tem Johnson asked what TEA's record is in forecasting success or failure with a document like this.

Matthew pointed out that no one has a crystal ball but he would say that they have a good track record and many years of experience and guessed them to be in the top ten (10) of wholesale marketers. He noted that the driver for these programs is ultimately to provide lower rates which have typically been true to municipal utilities over larger private utility companies that have a much larger regulatory burden. With having a regulated monopoly, they haven't necessarily been incentivized to have competitive rates. He pointed out that they wouldn't be able to do this however; without PG&E.

Mayor Pro Tem Johnson asked if it is fair to say that the energy that the CCA will procure will be green and/or renewable.

Matthew said the target for the program overall is to have about 5% more renewable energy than PG&E, 5% lower carbon emissions, and also to have 5% going toward rate savings. As far as the makeup of that initial mix it would be about one-third renewable energy, one-third large hydroelectric, and one-third system power from the open market; primarily biomass then eventually solar. He estimated 15-20% of the renewable energy would come from local biomass plants.

Mayor Pro Tem Johnson said he also saw where some of the energy will be purchased from out of state and with that comes someone else's transmission lines. He asked if the CCA program pays for that.

Matthew said that all of that is factored into the overall price. He explained that the energy in California as far as the grid and what power plants are ramping up and down is sort of the transactional part of it. Then there's the electron part making sure there's enough power to keep the lights on and that's managed by the California Independent System Operator who also assigns costs for where the power is coming from and where the power is going to, what the losses are and what the use of that infrastructure is. He said it is a piece of the cost that is built into the modeling and cost projections. He noted that as far as today, some of the power will likely be coming from local sources, some from other parts of the state, and some from adjacent areas and that system is set up to allocate those costs.

Mayor Pro Tem Johnson said in the report, it appears that the overhead and profit is projected to be around 20-22%. He asked how that compares to PG&E's profits.

Matthew explained that if you look at PG&E's actual profits, their shareholder profit is based off of return investments so their profits actually come from their return investments in infrastructure. He said he forgot what the percentage is but it's actually on transmission lines, distribution lines, and maintaining transformers and that's actually where they go when they are setting rates. For those costs, they get to build in a share cost for investors so the state doesn't actually let them mark up prices by buying wholesale power and selling it at retail prices. He noted that PG&E has a much higher overhead percentage as far as staff costs, marketing and advertising and is a big part of the spread as far as pricing whereas; a smaller public utility company bases pricing off of market conditions and can be more responsive to short term market conditions.

Mayor Pro Tem Johnson asked where the \$700,000 seed money is coming from.

Matthew explained that one of the key challenges in launching these types of programs is the startup costs so they structured their proposal where the contractor will basically foot some of the costs for the startup phase and recover those costs once rate payments start coming in. He said what isn't included in that is staff costs, community outreach and other internal costs for the first year. As such, they proposed a line of credit to manage the cash flow from now until they start bringing in revenue. He noted that they actually just did a presentation today to the Headwaters Fund board that fund infrastructure investments through loans. He pointed out that it is not a deal breaker if it doesn't go through but the chances of it being approved look good.

Mayor Pro Tem Johnson asked if the City decides to wait six months or longer to make sure the program is successful before jumping in if there will be a cost to the City.

Matthew said there would not be any cost to the City but it would require the CCA to go through the enrollment process again and there would be the cost for staff to revise and resubmit the implementation plan.

Mayor Pro Tem Johnson then asked about the process for putting in a hydroelectric plant, assuming that it would take a lot of time.

Matthew explained it was included in the analysis but it was actually referring to existing hydroelectric plants. He noted there is about 11 MW of power by the small hydroelectric generation facilities, the largest being the Humboldt Bay Municipal Water District. He said they wanted to leave it in the analysis as a possibility should they want to contract with them for part of their power mix as an option down the road possibly in 5-10 years.

Mayor Pro Tem asked if there was any interest in wind energy.

Matthew said Shell Wind Energy who expressed interest a few years ago with a wind energy project on Bear River Ridge walked away from the project but his understanding is that the property owners are still interested in leasing property for that purpose so perhaps in 5-10 years it may also be an option.

Mayor Pro Tem Johnson asked if he could see any circumstances where they would purchase energy from coal generation plants.

Matthew commented that there is not a lot of coal generation in California and they are not trying to pursue those facilities. Similarly they are not trying to procure any energy from nuclear generation either.

Councilmember Thompson commented that as of now, there hasn't been a lot of input from the public. He said to start the process, the Council would have to vote to participate in the program then customers would then have to make the choice to opt in or opt out as he understands it.

Matthew explained if the Council chooses to participate, customers would receive a notice with the options to opt in or opt out but if the Council choose not to participate in the program at this time; the citizens of course would not have that choice.

Councilmember Thompson said his concern is in agreeing to participate in the CCA program without adequate notification to customers. His opinion was to poll PG&E customers first to avoid potential controversy with the public.

Matthew commented that he had a legitimate concern but the law requires multiple notifications be sent to customers (at least 4) before switching them over to another provider. He said between now and January 1, 2017 when they are actually ramping up to set rates they will be doing community workshops, placing ads in the newspaper, radio, and doing everything they can to let people know about the program so when they get the notice prior to May 1st letting them know what the rates are going to be and giving them the option to opt out they will already be well aware of the program. He noted that they do need to know what the customer base is going to be before they can set the rates.

Councilmember Garnes questioned the process for opting out of the program.

Matthew explained that 60 days before the May 1st launch date customers will be mailed notification with a post card then a letter. After the enrollment period two (2) more notices will be sent out; one typically will be a PG&E bill insert. He said as far as the process for opting out, the customer will simply go to the RCEA website and click a button to opt out, or they can call the number provided on the notices which goes to a 24/7 staffed call center.

Councilmember Garnes commented that if there is a number or website address on the bill it may be easily overlooked. She noted that there are a lot of non-internet customers in the community and suggested there be a simple means for people to opt out; perhaps a sheet of paper to check off and return.

Matthew reiterated that there will be a toll free telephone number to call 24 hours a day, 7 days a week. He said the Board will ultimately decide on the notification process but the sheet of paper could certainly be an option to consider.

Councilmember Garnes asked that in the event the City doesn't join the CCA in the beginning if rates would then need to be adjusted to add the additional Rio Dell customers.

Matthew commented that Rio Dell is probably only about 3% of the overall load so the rates would probably not need to be adjusted as the additional customers would not result in a significant shift in costs.

Mayor Pro Tem Johnson referred to the rates identified in the TEA report ranging from \$15 to \$25 per MW and asked what he sees as a rate structure for this program.

Matthew explained there will be rates for various rate categories as well as sub-categories and the standard practice is to follow the same rate structure as PG&E so customers can make a fair comparison. He said as far as the rate setting, the discussion so far has been to equitably spread the rate savings among customers across the board on the same percentage basis.

Mayor Pro Tem Johnson noted that it certainly appears that PG&E favors industrial user's over agricultural users noting the 50% surcharge to agricultural customers.

Matthew said the implementation plan reserves them the right to adjust rates within a fair range for example; to attract certain types of business. As such, the Board has the ability to develop a rate structure that promotes those uses depending on local factors.

Mayor Wilson stated if the City joins the program, customers will be opted in by default. He said as he understands it, it is a weighted system so the County and the larger cities pretty much have the say in what happens. With Rio Dell being only 3%, it can "ride on the bus but really doesn't know what the cost is to ride that bus." He said he is of the mind set to ride it out and see how it goes before making a decision.

A public hearing was opened at 7:33 p.m. to receive public input on the CCA program.

Michael Richards, Operations Director from Humboldt Redwood Co. (HRC) stated that he met with Matthew Marshall several times and has been working with them since the onset of the program. He said HRC is of the opinion that it's good for the local community, the economy, is a chance to stabilize the industry and keep the infrastructure intact, provide jobs and support the local tax base.

He said the other thing is that it allows HRC the opportunity to continue to invest and modernize their biomass plant and eventually expand it depending on how

things work out. He said they would like the Council's consideration in supporting the program.

There being no further public comment, the public hearing closed.

Councilmember Thompson asked what the deadline is for joining the program and whether there is enough time to get a survey out to the citizens to see if they would support the program.

Matthew stated that it would be a challenge to get a survey out to all of the affected Rio Dell customers prior to the May launch date and expressed concern about the associated costs.

He noted that the City would basically need to adopt the ordinance by the next meeting in order to get in on the initial start date and said the rest of the jurisdictions are ready to proceed and the plan is to submit the implementation plan on Friday. He said they would be willing to help with education and additional outreach if necessary and said one option would be to move forward between now and December, before the formal launch occurs.

Councilmember Thompson then questioned the possibility of City staff sending a survey to Rio Dell residents.

City Manager Knopp commented that staff discussed sending out a City Newsletter and would be more than willing to include information on the CCA program.

He pointed out that the participation in the CCA program will lower electric bills for residents and there is every incentive for RCEA and the operators of this program to make sure the rates are always competitive if not less than PG&E rates. He said one of his concerns in moving forward is that if the Council decides to wait a year in order to watch the rates, they will also see a year of rate savings that citizens missed out on. At this point in time, all of the other local jurisdictions, with the exception of Rio Dell and Ferndale have joined and are ready to move forward. His concern is that this is an opportunity to lower residents bills and also see some potential investment in the community in terms of solar and wind projects over the long term which would certainly benefit this area as well as investment in our biomass plants. As such he thinks the Council

should think long and hard about this as it is an important decision. He said the Council may not get around to it for another year and by then the call center will be opened up for people to opt out and it will probably not be quite as active as the initial rollout so those are some concerns with waiting to join. Also, in a year the City will really need to make a push to make this happen. He said he doesn't want the City to lose sight of potential rate savings for residents.

Councilmember Thompson suggested postponing the decision temporarily to allow staff to aggressively work on getting a survey out to residents.

City Manager Knopp recommended the Council move forward with the first reading of the ordinance and schedule the second reading and potential adoption for November 1, 2016. In the meantime, staff will solicit citizens to try and get an opinion as to whether they would support the program. He commented that it's hard to see why they would not support lower electricity rates.

Councilmember Garnes commented that she worked for SMUD in Sacramento and there was a time when they tried to reach out to the community for this same kind of program and PG&E came out ahead of the game.

She said she thinks its offensive to put people in a pool and make them opt out if they don't like it. She said she is still inclined to move forward with the first reading of the ordinance even though it is somewhat disturbing the way it works. She said she also knows that PG&E is not going to give anyone any breaks and there are a lot cheaper ways to go as far as electricity.

Mayor Wilson said he likes Councilmember Thompson's idea of sending out a survey and commented there is a lot of wasted local biomass.

Motion was made by Johnson/Garnes to introduce and conduct the first reading (by title only) of Ordinance No. 345-2016 amending the Rio Dell Municipal Code (RDMC) to participate in the Community Choice Aggregation Program implemented and operated by the Redwood Coast Energy Authority (RCEA) and continue the consideration and approval of the ordinance to the November 15, 2016 regular meeting. Motion carried 4-0.

Mayor Wilson called for a 5 minute recess at this time, 7:45 p.m.

The meeting reconvened at 7:50 p.m.

Conduct Second Reading (by title only) and Adopt Ordinance No. 348-2016 Establishing Medical Cannabis Land Use Regulations Section 17.30.195 of the Rio Dell Municipal Code (RDMC)

City Manager Knopp provided a staff report and said as the Council is aware, the City has held close to 20 public meetings including Planning Commission meetings to receive public input regarding the proposed Commercial Medical Cannabis Land Use regulations and possible taxing options. He said at the September 6, 2016 regular City Council meeting the Council approved by a 4-1 vote (Councilmember Marks dissenting) to introduce and conduct the first reading of Ordinance 348-2016 with the inclusion that the Sawmill Annexation area be clearly defined in the definitions section of the Ordinance, including a map with APN's, and language regarding revocation of permits by "Operation of Law" included. He noted those changes were included in the proposed ordinance.

He then referred to the drawings on the wall of proposed development projects and commented that there is a great amount of potential with the proposed developments. He pointed out that cannabis is here and the question is if there is a way to benefit the community and do it legally.

He continued by pointing out the positive reasons for allowing cannabis activities in the City and noted the most obvious benefits are the creation of job opportunities, tax revenue, economic development, and the clean-up of a Brownfield's site. He said this will also allow the City to work on more public activities and noted that whether anyone likes it or not, cannabis is what has been knocking on our doors. He said just today, staff received calls from potential developers. He noted that aside from jobs and tax revenue, a \$10 million facility will generate \$1 million in property taxes of which \$60,000 will go to the local schools. Another benefit is additional industrial water customers as well as increased property values. He noted that the additional taxes can be redirected to the police department to combat illegal grows in the City. He said another method of getting a handle on the illegal indoor grows is to implement high-user electricity tax like the City of Arcata did but without those businesses it would not be possible.

City Manager Knopp then identified some challenges and said if the Council decides to move forward with adoption of the ordinance, the next step will be to develop a cannabis tax and put it before the electorate. He said another challenge is getting through state regulations. He pointed out that staff is looking forward to addressing the challenges then turned the discussion over to Community Development Director Caldwell.

Community Development Director Caldwell continued with review of the changes to the ordinance as recommended by the Council at their meeting on September 6, 2106.

He said Councilmember Thompson suggested that the Sawmill Annexation area be clearly defined in the definitions section of the Ordinance and that language regarding revocation of permits by "Operation of Law" be included. Also, Mayor Wilson suggested that the definition include a map with the assessor parcel numbers. He noted another change is that the Council expanded the required setbacks of cultivation areas to schools from 600 feet to 1,000 feet.

He stated that staff was also directed to look into potential fees associated with cannabis activities so language was included under **(16) Fees, Taxes and other Charges** as recommended by the City Attorney to basically say that the Council may establish, fees, taxes or other charges for a commercial cannabis activity permit by resolution or ordinance. He noted that the City can't charge more than the actual cost of providing the service and staff will be working with the City Attorney to develop a potential fee schedule related to cannabis activities.

Community Development Director Caldwell said with regard to indoor cultivation using artificial lighting (State license types 1A, 2A and 3A), staff is recommending the use not be based on parcel sizes in light of a recommendation by the State. He commented that he sat down with Councilmember Thompson today and discussed the change and said the Food & Drug Administration is encouraging everyone to try and get applications for Type 3 permits in as soon as possible as the State is going to limit the number of permits issued. He did note that the reference to the parcel size was deleted but it doesn't matter either way in the event the Council would rather leave it in because it can be facilitated either way.

He also reported that Calaveras County has already grandfathered and approved almost 900 cultivation licenses which are mostly Type 3. He noted those permits alone have generated \$4 million in permit fees.

He commented that there are currently two (2) serious developers interested in investing at the Sawmill Annexation area. One of the investors has estimated the creation of 75 jobs; the other 20-25 jobs and both are in support of a cannabis tax measure.

Mayor Wilson reviewed an estimated property tax breakdown on a \$10 million facility and said property taxes are based on 1% of the assessed value of a property. As such the taxes would be \$10,000 according to the breakdown of property taxes for Humboldt County. He said cities receive an average of 2.5% so on that assessment, the City would receive approximately \$2,500.

Community Development Director Caldwell stated that staff actually contacted the County Auditor/Controller to find out what the City's revenue would be and he estimated \$4,000 on a \$10 million assessed property value. He said the local schools would receive the largest cut at around \$60,000.

Mayor Wilson suggested staff not blow the revenue up more than it really is. He said one of the reasons he voted no during the last discussion on this issue is that the plan was for the Council to meet jointly with the Planning Commission and discuss how to bring in industries that work well for the community and keep out the riff-raff and focus on getting higher end cannabis businesses into the Sawmill Annexation area but it didn't happen. He said he expressed his support for the medical side of cannabis and said the one of the proposals on the wall he supports.

He said Councilmember Thompson met with the Community Development Director and the City Clerk in the City Manager's absence and redrafted the ordinance and brought it back to the Council in the form pretty much as it is today. That's another problem he has. He said the Council also went through a lot of deliberation as recommended by Councilmember Garnes on several occasions to bring this to the electorate at the November 8th general election as an advisory vote to hear the voice of the public. He said if the Council passes the ordinance tonight, it will be passed before hearing the voices of the public.

He asked if the vote on Measure T comes back as a resounding "No" if the Council will be willing to repeal the ordinance.

Councilmember Garnes response was yes, Mayor Pro Tem Johnson's response was that he would be willing to revisit and discuss the ordinance, and Councilmember Thompson's response was that it didn't apply to him as he would be off the Council in November.

Mayor Wilson opened the public hearing to receive public input on the proposed ordinance.

Michael Martino addressed the Council and said with regard to the Brownfields cleanup he hired Laco Associates to not only mitigate the issue but to bring about a study to close it out once and for all. He said there is no point in moving forward if the ordinance is not approved. He commented that he has the property in escrow and will be investing \$10 million, creating a least 75 jobs and his proposed operation will be strictly indoors. He noted that the City has potential to generate \$.5 million dollars in taxes from this business alone.

He also pointed out that the Sawmill Annexation area will be a beautiful business district and if things change with the cannabis industry down the road, the facility can be used for other purposes. He said with loading docks and with the location right off Highway 101, there is tremendous business opportunities for shipping and receiving operations. He said the other positive thing with redevelopment of the Sawmill site is that there will be substantial money going to the local schools. He said he is excited about becoming legal and glad to pay taxes to benefit the community.

Julie Woodall commented on the idea about the Council revisiting the ordinance after the election and pointed out that when the discussion first started it was a split decision with the Council. She said when she suggested the Council let the citizens decide people present in the audience disagreed and said they voted for this Council to make decisions and they should choose for the citizens. She said now that the vote is not going quite the same way, all of a sudden the Mayor wants to rely on the results of the advisory vote. She commented that she thinks there's a little hypocrisy in doing that.

Ken Kirtley asked why the Council is putting the future of the City in an area that is all flood zone and asked if the Council and the developers are aware of the flood regulations.

Community Development Director Caldwell explained that any development over there not only has to comply with City flood regulations but FEMA regulations as well so the foundations will have to be designed above that one foot flood base elevation and designed hydraulically to be able to accept the loads there. He noted at the north end of the Sawmill annexation area (the former Moore Fuel) its roughly 8 inches so that's how much they had to raise their building. He said at the far south end it is roughly 7 feet so they would have to build up the foundation although no one has proposed to develop at that end.

Mayor Wilson noted that the developers are aware of the flood zone and will have to deal with the required regulations and that's part of the cost of doing business.

Dennis Wendt stated that he agrees with Julie Woodall and said the reason the Council put off voting on the ordinance at the last meeting was because Mayor Pro Tem Johnson was not going to be present. He said the introduction and first reading of the ordinance was held and he hopes the Council will move forward with the second reading and adoption tonight so these developers can get on with their business. He pointed out that this has been dragging on for almost a year and needs to get finalized. He also commented that he is excited that Michael Martino is willing to move forward with the environmental cleanup as he has been putting money into it for 10 years and hasn't had the resources to complete it.

There being no further public comment, the public hearing closed.

Motion was made by Johnson/Thompson to conduct the second reading (by title only) and adopt Ordinance No. 348-2016 Establishing Medical Cannabis Land Use Regulations, Section 17.30.195 of the Rio Dell Municipal Code (RDMC). Motion carried 3-1; with Mayor Wilson dissenting.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp distributed a written City Manager update of recent activities and events (Attachment 2 to these minutes), including the announcement that the \$665,000 DWSRF grant paperwork for the remainder of the Metropolitan Wells Project was received, Wahlund Construction signed the Notice of Award and the project is back on track; PG&E will be replacing street lights with LED lights; an update on the ADA improvements on the front of City Hall; an update on the Old Ranch Road water line replacement project; and on work the High Rock crew will be doing around town.

Councilmember Thompson asked how many of the 134 street lights the City pays for and the electricity cost of each light.

City Manager Knopp noted that the City is billed for all 134 although there are a few lights that have been turned off. He quoted the monthly cost of \$12.19 per light.

Finance Director Woodcox noted the annual expense for street lighting is \$20,000 - \$22,000.

Mayor Pro Tem Johnson pointed out that with the \$665,000 DWSRF grant; it means that almost \$2 million in improvements to the Metropolitan Wells will be realized with a City contribution of only \$57,000. He commended the City Manager and staff for making this possible.

He also asked if High Rock will be working at the end of Painter St.

City Manager Knopp said the work on Painter St. is at the drainage ditch at Painter and May St.

Councilmember Garnes asked what the deadline is for the RFP's for the Old Ranch Road waterline project.

City Manager Knopp stated he would have the item on the November 1st agenda.

Finance Director Woodcox reported on recent activities in the finance department and said she attended the annual training conference in Redding for SCORE and reported Workers' Comp rates for 2017-2018 will be reduced by \$16,000 and after three (3) years of working in savings it represents a \$13,000 overall savings.

Community Development Director Caldwell reported on recent activities and events in the community development department and said the next Planning Commission meeting will be on October 25, 2016. On that agenda will be a Conditional Use Permit application for Brian & Stormi Davis at 1000 Pine St. for placement of a shop building on the parcel prior to the construction of a residence next year; an amendment to the Rio Dell Municipal Code related to enforcement provisions; a discussion on cargo containers; and hopefully update of the Safety Element.

COUNCIL REPORTS/COMMUNICATIONS

Councilmembers had nothing to report.

ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 8:32 p.m. to the November 1, 2016 regular meeting. Motion carried 4-0.

Frank Wilson, Mayor

Attest:

Karen Dunham, City Clerk

****Kyle Knopp** asked the Rio Dell Community Resource Center for an update on services provided. I have attached our flier and provided information about our current/up-coming programs and events.

We are currently overseeing the following programs:

First Five Playgroup: every Friday from 10-12 at the Early Head Start classroom. Open to all 0-5 kids/families; includes Rio Dell, Scotia and surrounding areas.

Storytime: (will begin on October 24th) every Monday from 8:20-9:20 at the Eagle Prairie Elementary School Library. Open to all 0-5 kids/families; includes Rio Dell and Scotia families.

Bread For Life Pantry: every 3rd Thursday of the month from 10-2 at 143 Main Street in Scotia. If a household is unable to make it within these hours, the center has bags available all month and can provide home-deliveries as needed.

Emergency Food Pantry: available M-Th from 9-3. There is no income verification needed.

Food For People Backpack Program: Rio Dell CRC is overseeing the weekend backpack program again this school-year; we have increased the number of backpacks from 20 to 40 and are now able to offer this service to Scotia Elementary School families.

Holiday Assistance: the Rio Dell CRC will be assisting families get connected to holiday food boxes for Thanksgiving and Christmas. The RDCRC will also be signing children up for toy resources; we will be working with Toys for Kids, Toys for Tots, Salvation Army and doing a community Giving Tree.

We have the following events coming up:

Holiday Assistance: We will be working to get food boxes for 40 families in the Rio Dell/Scotia community. For our houseless community members, we are working with CC Market to be able to provide a plate voucher, so that all of our residents get a belly of warm, holiday food. I believe that we will also be collaborating with the Chamber and Bigfoot New and Used Treasures for the Giving Tree and the Christmas Tree Lighting.

Trunk-Or-Treat: We are partnering with Faith Center to assist with their Trunk-Or-Treat event on October 30th. They are facilitating a free and safe space for children to come and trick-or-treat and also have a free showing of The Lego Movie; we will be handing out goodie bags and providing food for the movie concessions.

Below is the number of persons served through our office, programs and events from July 1st to September 30th:

Food: 657 children and 706 adults	Face-to-Face Encounters: 816 children and 1,026 adults
Playgroup: 131 children and 93 adults	Employment Assistance: 43 children and 56 adults
Housing Assistance: 8 children and 73 adults	Transportation Assistance: 28 children and 50 adults

Rio Dell Community Resource Center

Hello Community Members!

We offer many resources and referrals to help you and your families access the services you need to keep you healthy, happy and safe:

Resources in Rio Dell/Scotia and Referrals to Agencies within Humboldt:

- ❖ *Food For People food pantry*
- ❖ *Playgroup for ages 0-5*
- ❖ *Assistance with resume creation, job searching and assistance with applications*
- ❖ *Assistance with Homeless/Caring Court application*
- ❖ *Access to Computer/Phone/Fax*
- ❖ *Emergency food bags for anyone in need*
- ❖ *Bus tickets for medical appointments*
- ❖ *Hygiene items (as available)*
- ❖ *Holiday assistance and, as funding is available, assistance with other urgent needs*
- ❖ *Housing and emergency shelter referral assistance*
- ❖ *Childcare referral assistance*
- ❖ *Alcohol and other drug programs referral assistance*
- ❖ *Assistance with healthcare needs (referrals and appointment making)*
- ❖ *Connection to public benefits, such as CalFresh and Medi-Cal applications*
- ❖ *Mental health referrals*
- ❖ *Counseling referrals and information*
- ❖ *Youth programs: local information, referrals and assistance with programs in Humboldt*
- ❖ *Senior, Disabled and Veteran resource and referral assistance*

Rio Dell Community Resource Center

99 Wildwood Ave

Rio Dell, CA 95562

(707) 764-5239

Monday-Thursday 9:00-3:00



2 of 2

ABR Project – The City is ready to issue an RFQ for design services for the front of City Hall. We have received approval from the Department of Housing and Community Development. The project is on track for completion by the end of this fiscal year.

Pacific Gas & Electric is moving forward on their conversion of local streetlights to LED. Street lights are expected to begin replacement in Rio Dell soon. Residents should be receiving a letter from PG&E this week.

The City has received its grant paperwork from the State regarding our \$665,000 grant of DWSRF funds for the remainder of the Metropolitan Wells Project. Everything looks good. We have been in contact with Wahlund Construction and they have signed our Notice of Award.

Staff will be making some calls to try and gather information or have a presentation on the status of the Scotia Community Services District for an informational presentation before the council.

Old Ranch Road RFP walk through meeting garnered the participation of 4 contractors.


High Rock Crew will be working on Belleview Avenue and Painter streets.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: November 1, 2016

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: October 25, 2016

Subject: Appointment of Robert Agnew as the Public member to the Wildwood Avenue Sculpture Committee

Recommendation:

That the City Council:

1. Appoint Robert Agnew to the Wildwood Avenue Sculpture Committee

Discussion:

As the Council is aware the City established a Sculpture Committee in 2014 to review and approve potential sculptures to be placed on two pedestals that were constructed as part of the Wildwood Avenue enhancement project.

The Wildwood Avenue Sculpture Committee is responsible for reviewing and approving applications for the placement of sculptures along the Wildwood Avenue corridor. The Committee consists of the Community Development Director, one member of the City Council (Mayor Wilson) and one alternate City Council member, one member from the Rio Dell-Scotia Chamber of Commerce (Susan Pryor), one member from the Eagle Prairie Arts District (Jim Box) and one public member (Cheryl Gatlin) residing within the City limits. The alternate City Council member only participates when the regular City Council member is unable to serve due to scheduling concerns or a conflict of interest. The Committee meets on call.

Our public member Cheryl Gatlin moved out of the area in the spring of 2015. We have posted vacancy fliers and solicited applicants in a number of our newsletters without any success. However, staff just recently received an application from Robert Agnew. Mr. Agnew's application is included as Attachment 1. As such, staff recommends that the Council appoint Mr. Agnew as the Public Member. Attachment 2 is a letter from staff "Thanking" Mr. Agnew for his interest.

Attachments

Attachment 1: Mr. Agnew's application.

Attachment 2: Letter to Mr. Agnew.

675 Wildwood Avenue
Rio Dell, CA 95562-1597
(707) 764-3532 - City Hall



APPLICATION FOR WILDWOOD AVENUE SCULPTURE COMMITTEE APPOINTMENT

Name Robert Agnew Date 8/18/14
Address 112 Douglas St Home Phone 764-3874
Rio Dell Business Phone _____

I AM INTERESTED IN SERVING ON THE FOLLOWING COMMITTEE:

Wildwood Avenue Sculpture Committee

Occupation Sawfiler (Retired)

How long have you lived in Rio Dell? off and on for 63 yrs.

Professional and/or Community Activities _____

Additional Pertinent Information/References _____

Please answer the following two questions:

1) Why are you interested in serving on this Committee?

Just like to do a little something to help out, now that I have the time.

2) What special talents/experience/education do you possess that will be useful in this position?

Help to build two regional theatres.
North Coast Rep and Foothill Rep.
Studied acting at A.C.T. in S.F.
Do some mosaic art ever so often

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



October 17, 2016

Robert Agnew
112 Douglas Street
Rio Dell, CA. 95562

Subject: Sculpture Committee

Dear Mr. Agnew:

Thank you for your application for the City's Sculpture Committee public member. Enclosed is a copy of the Wildwood Avenue Sculpture Guidelines which summaries goals of the Committee and provides some additional background information.

The Wildwood Avenue Sculpture Committee is responsible for reviewing and approving applications for the placement of sculptures along the Wildwood Avenue corridor. The Committee consists of the Community Development Director, one member of the City Council (Mayor Frank Wilson), one member from the Rio Dell-Scotia Chamber of Commerce (Susan Pryor), one member from the Eagle Prairie Arts District (Jim Box) and one public member residing within the City limits.

As part of the Wildwood Avenue Enhancement Project which was completed in 2013/2014, two sculpture pedestals were installed in the medians. Unfortunately, there has not been a lot interest from the art community to display their work. Furthermore the City does not have the financial resources to purchase sculptures for the pedestals. Hopefully you may have contacts in the local art community and/or are willing to contact some folks in the community who may be interested in displaying their work.

We plan to present your application to the City Council at their meeting of November 1, 2016 for consideration and appointment. If you have any questions or need additional information, please feel free to contact me at (707) 764-3532. We look forward to working with you. Thanks again for your interest.

Sincerely,

COPY

Kevin Caldwell
Community Development Director

Enclosure

Copy:
City Council
City Manager
Sculpture Committee

Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com



November 1, 2016

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Approval of Resolution No. 1309-2016 Authorizing the Bid Award for the Old Ranch Road Water Line Replacement to JZ Contracting in the Amount of \$33,423.00 Further Authorizing the City Manager to Execute the Construction Agreement.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution No. 1309-2016

This Resolution will:

A.) Award the Old Ranch Road Waterline Replacement project to the lowest responsive and responsible bidder, JZ Contracting, in the amount of \$33,423.00 for the base bid and additive items No. 1 & No. 2.

B.) Authorize the City Manager to execute a construction agreement, in substantially the same form as the RFP submitted to the Council on September 20, 2016, with JZ Contracting, after approval as to form by the City Attorney.

BACKGROUND AND DISCUSSION

Replacement of the Old Ranch Road Waterline has been a goal since at least 2004. The line has aged well beyond its useful life and is a segment of water distribution infrastructure that requires extraordinary levels of maintenance. Efforts intensified around 2009 to utilize potential American Reinvestment and Recovery Act (ARRA) dollars; however acquisition of a grant was unsuccessful. Further attempts to move the project forward have proven difficult; however a dialogue with area residents has proven to be fruitful over time.

On September 20, 2016 the Council approved a Request for Proposal (RFP) to be issued by the City for the replacement of the water line. The proposal limits modification of the line from its current above ground construction. Strictly a replacement project, the proposal meets concerns raised by residents and concerns about ongoing maintenance raised by staff. Two additive items are included in the project, including a "break away" section of piping for an active slide area and underground directional drilling through a short and elevated section of the pipeline's path.

Staff continues to develop an easement and appropriate agreements with the property owner for this component of the project. The project can move forward without the directional drilling component; however it is included in the current proposal.

Staff met and toured Old Ranch Road with interested contractors on October 12, 2016. Firms represented included JZ Contracting, Mercer-Fraser, Wendt Construction and Wahlund Construction. On October 21, 2016 staff held the bid opening at City Hall. Submissions were received from two firms: JZ Contracting and Wendt Construction. JZ Contracting bid \$27,283.00 for the base project and \$33,423.00 including the additive items. Wendt Construction bid \$34,882.00 for the base project and \$39,882.00 including the additive items. JZ Contracting has been found to be the lowest responsive and responsible bidder for the project.

The project is financed entirely by City funds. The water rate structure was modified on December 1, 2015 to divide the water system costs by pressure zones. The Dinsmore Zone (where this project is located) and Dinsmore Zone customers will bear 100% of the financing costs of this project. The project fits within the budgeted allocation set by the Council for the FY 2016-2017 fiscal year.

If the Council moves forward on this project, initial estimates for project completion are December 31, 2016.

Attachments:

- October 12, 2016 Mandatory pre-bid meeting sign in sheet
- October 21, 2016 Bid opening sign in sheet and bids.

///

RESOLUTION NO. 1309-2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AWARDING
THE OLD RANCH ROAD WATERLINE REPLACEMENT PROJECT TO JZ
CONTRACTING IN THE AMOUNT OF \$33,423.00 AND FURTHER AUTHORIZING
THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT**

WHEREAS, the City of Rio Dell Public Works Department desires to replace the water line along Old Ranch Road; and

WHEREAS, the costs of construction of the Old Ranch Road Waterline Replacement Project (ORRWRP) are estimated to be \$33,423.00 and are to be paid for through the Dinsmore Zone capital improvement funds; and

WHEREAS, the establishment of the Dinsmore Zone prevents the cost of this project being shouldered in any part by residents of the Main Pressure Zone; and

WHEREAS, the funding to accommodate construction costs has been budgeted in the Capital Projects Department 14 of the Fiscal Year 2016-2017 City of Rio Dell Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell as follows:

SECTION 1. Action. The City Council of the City of Rio Dell hereby Awards the Old Ranch Road Waterline Replacement project to the lowest responsive and responsible bidder, JZ Contracting, in the amount of \$33,423.00 for the base bid and additive items No. 1 & No. 2.

SECTION 2. Action. The City Council of the City of Rio Dell Authorizes the City Manager to execute a construction agreement, in substantially the same form as the RFP submitted to the Council on September 20, 2016, with JZ Contracting, after approval as to form by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on November 1, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Resolution No. 1309-2016 adopted by the City Council of the City of Rio Dell on November 1, 2016.

Karen Dunham, City Clerk

Old Ranch Road Waterline Replacement RFP

Sign in Sheet

10/12/16

SIGN

COMPANY

DATE

[Signature]

SZ contracting
szcontracting06@gmail.com

10-12-16

Walt Hirsch

MERCO-FRANK CO.

mberzigek@merco-frank.com

10-12-16

DENNIS WENDT

WCC WENDT CO. COM
WENDT CONST

10-12-16

[Signature]

WEST CONST

10-12-16

MING OU.

499-4131 RYAN WAHLUND

WAHLUND CONST.

10/12/16

Randy Sosa

CITY OF RIO DEL

10/12/16

Old Ranch Road Waterline Replacement RFP

Sign in Sheet 10/21/16

Name / Signature / Company / Email / Date

Torrey Zappa	JZ Contracting	10/21/16
Randy Jensen	City of Red Deer	10/21/16
Kyle Kuehl	City of Red Deer	10/21/16

JZ

JZ Contracting

\$27,263. ⁰⁰	\$33,423. ⁰⁰	\$540. ⁰⁰	\$5,600. ⁰⁰
Total (No Additives)	Total (W/ Additives)	Additive No. 1	Additive No. 2

Mercer Fraser

\$34,882. ⁰⁰	\$39,882. ⁰⁰	\$1,000. ⁰⁰	\$4,000. ⁰⁰ No Show
Total (No Additives)	Total (W/ Additives)	Additive No. 1	Additive No. 2

Wendt Construction

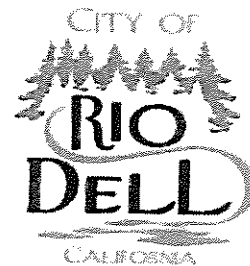
\$34,882. ⁰⁰	\$39,882. ⁰⁰	\$1,000. ⁰⁰	\$4,000. ⁰⁰
Total (No Additives)	Total (W/ Additives)	Additive No. 1	Additive No. 2

Wahlund Construction

Total (No Additives)	Total (W/ Additives)	Additive No. 1	Additive No. 2

No Show

*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodelcity.com*



November 1, 2016

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager *3*

SUBJECT: Discussion and Possible Action Regarding City Supply of Redwood and Related Proposal by Dias Artistries for the Use of the Material

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff:

1.) Direct the City Manager to develop an agreement with Mr. Dias and return to the Council

Or,

2.) Take no action.

BACKGROUND AND DISCUSSION

Staff approached Adam Dias of Dias Artistries and the Eagle Prairie Arts District to research rehabilitation of old growth redwood boards for use as fencing material at the City Parking lot downtown. This project is part of an effort to invest in the downtown parking lot and improve the aesthetics of the downtown area after installation of an EV charging station. The City's current FY 2016-2017 budget includes \$6,132.00 dollars to complete improvements at the parking lot. Mr. Dias suggested that the cost of rehabilitation of the redwood may be expensive and suggested an alternative use for the redwood material.

Staff requested that Mr. Dias put the proposal in writing and submit it for consideration by the Council. The proposal is attached for Council review.

If the Council decides to pursue the project as recommended by Mr. Dias, some additional research will need to be conducted to draft an appropriate agreement and ensure that the transaction is appropriate and fair – The redwood is an asset of the water fund.

///

DIAS ARTISTRIES

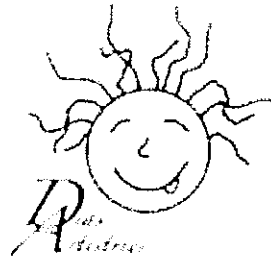
383 Wildwood Ave

Rio Dell, Ca 95562

(707) 267-4920 (Adam Dias)

diasarts@hotmail.com

diasarts.com



Project Proposal

Proposal # : 0024

Prepared By: Adam Dias

Project Description:

- * This project proposal is for the building and installation of two small conference tables built from reclaimed, old growth, Redwood boards. The boards will be provided by the city of Rio Dell. The boards in question are stored by the water department, and to the best of my understanding, were reclaimed from the city's old water tower.
- * The purpose of this proposal is to afford the city another option for the use of these very rare and unique boards. The history of these boards are seen as importance to me, and I believe they are seen as important to others as well. I would like to help the city in preserving some of this history. I believe the wood is best to be utilized for city projects, but not a fence.

Project Description Continued:

- ⌘ I am proposing the option in this proposal, as an open ended discussion about what may be the best use of the city's, reclaimed, old growth, Redwood boards.
- ⌘ Dias Artistries will enter into an agreement with the city of Rio Dell to build two small conference tables for city staff, equal to or larger than the current tables. This will preserve the history of the wood in the city quarters, and is a great way to the honor the amazing history of both Rio Dell and Scotia.
- ⌘ In return for building the tables, Dias Artistries will receive a portion of the remaining lumber, which will be equal to our hourly shop rate of \$50.00 per man hour. We will bill the city our time for making the tables, but will receive wood in return. (We are assessing the value of the wood at \$5.00 per board foot, which is slightly lower than retail market value.)
- ⌘ Generally, reclaimed, wood conference tables sell for as much as two to five thousand dollars, however, because the city has their own lumber, we will simply charge our man hours, which will save the city money. Because we are simply trading wood for man hours, the city does not have to have any real cash involved in this arrangement. The remaining wood, after paying Dias Artistries \$50.00 per man hour in equivalent board foot at a wholesale market value of \$5.00 per board foot, can be sold. Dias Artistries may be able to help broker this sale for a commission fee of 30% of the gross sale.
- ⌘ The remaining money from the sale of the wood could be earmarked for a sculpture on Wildwood Ave.

DIAS ARTISTRIES

BUDGET

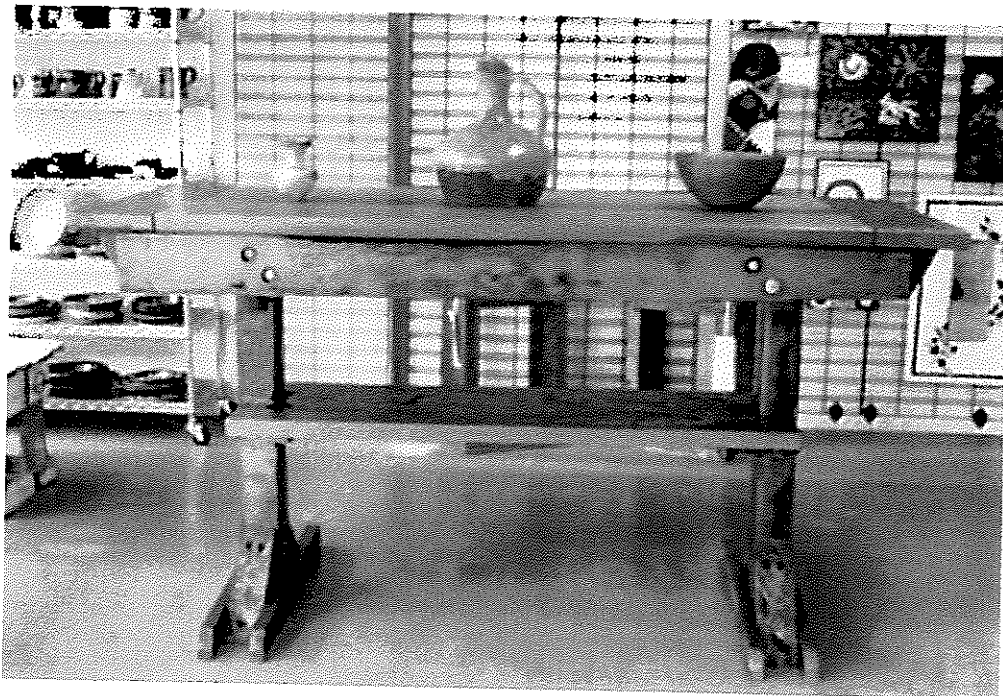
This budget estimate is for the building of two small conference tables.

Description	Quantity	Unit Price	Cost
Estimated Board Foot Used for Tables	300	\$ 6	\$ 1,800
1 Man Hours	48	\$ 50	\$ 2,400
Materials... Finish, Sandpaper, Hardware ect..	1	\$ 250	\$ 250
Glass for table tops... The glass will need to be purchased, and is required for the table top. This quote is from Fortuna, Glass & Paint. The quote is for a 6 foot x 4 foot piece of glass. Dias Artistries will cover this charge.	2	\$ 175	\$ 349
Total			\$ 4,799

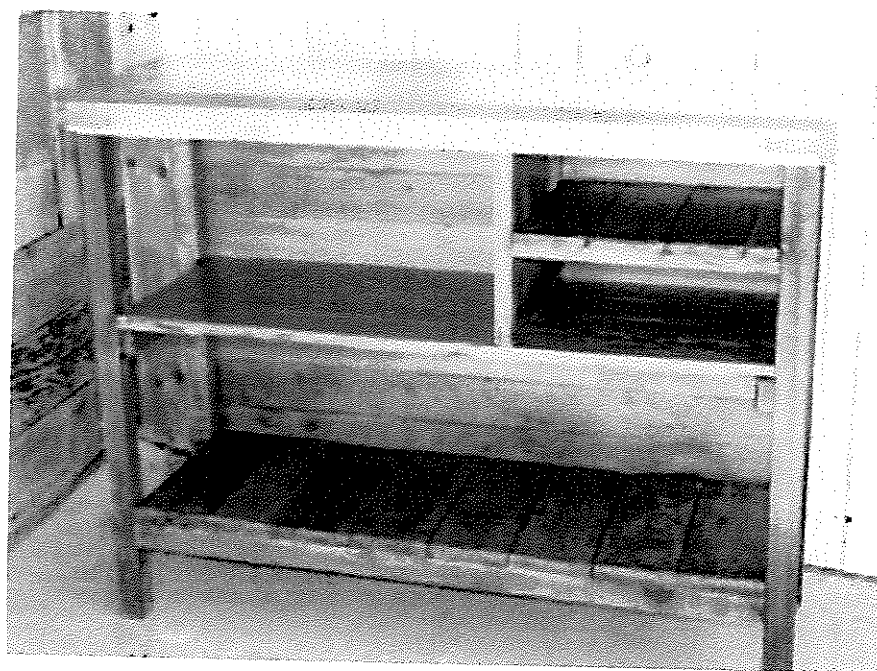
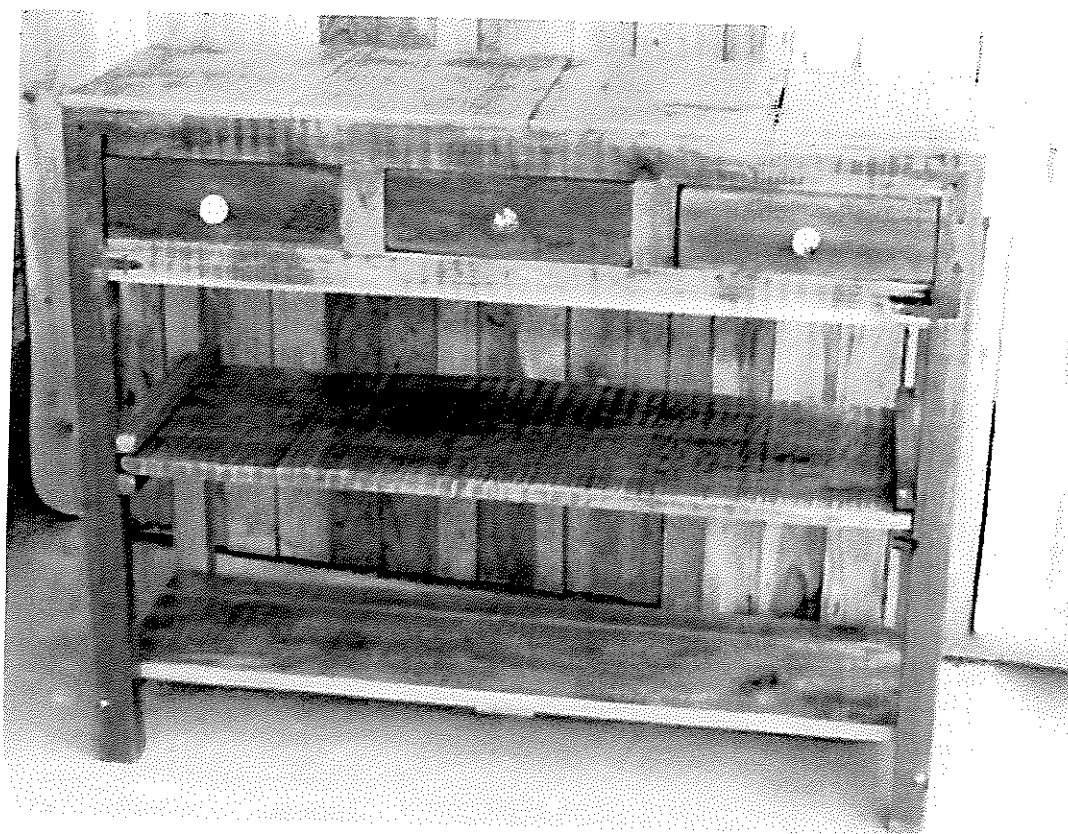
- Total Board Foot
Available: **1,435 BF**
- Value at **\$6.00**
Per Board Foot: **\$8,610.00**
- Estimated Project Cost: **\$4,799.00**
- Remaining Board Foot Value: **\$3,811.00**

Examples of our Work:

The photos below are examples of our work. They are not what your project will look like. Each piece we build at Dias Artistries takes on a life of its own. This is what makes our products so unique. That said, measurements, style, use, space, are all things our artists take into account when building your project. Rest assured that you will receive a one of a kind, piece of functional art, that is not only built to your specifications and needs, but is also a product of unique artistic expression and history.









675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: November 1, 2016

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: October 26, 2016

Subject: Text Amendment Chapter 17.40, "Enforcement", Sections 17.40.020, 17.40.030, 17.40.040 and 17.40.050 of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding amending Sections 17.40.020, 17.40.030, 17.40.040 and 17.40.050 of the Rio Dell Municipal Code (RDMC); and
2. Introduce (first reading) Ordinance No. 350-2016 amending Chapter 17.40, "Enforcement", Sections 17.40.020, 17.40.030, 17.40.040 and 17.40.050 of the Rio Dell Municipal Code (RDMC); and
3. Open the public hearing, receive public input and deliberate; and
4. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of November 15, 2016 for the second reading and adoption.

Background

During the preparation of the Commercial Cannabis Medical Land Use Ordinance (CMMLUO) staff discovered that the "Enforcement" provisions of the Zoning Regulations, Chapter 17 of the Rio Dell Municipal Code appear to be outdated and not consistent with the enforcement provisions of the fairly recently amended Nuisance Regulations, Chapter 8 of the Rio Dell Municipal Code.

The main differences are the fine amounts (\$500 vs. \$1000), cumulative penalties for each and every day the violation continues, additional enforcement provisions and cumulative remedies.

The existing enforcement provisions of the Zoning Regulations and Nuisance Regulations are included as Attachments 1. Attachment 2 is Resolution No. PC 104-2016 recommending that the City Council amend Chapter 17.40, "Enforcement", Sections 17.40.020, 17.40.030, 17.40.040 and 17.40.050 of the Rio Dell Municipal Code (RDMC). The draft Ordinance is included as Attachment 3.

The Planning Commission considered and discussed the proposed changes and unanimously (4 – 0, Angeloff absent) recommends that the City Council approve and adopt the proposed amendments.

Procedural Requirements

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Findings

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no policies in the General Plan which would preclude updating and strengthening the enforcement provisions of the Zoning Regulations.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The proposed amendments are not considered a “project” under CEQA. Pursuant to Section 21065 of the Public Resource Code (PRC), “Project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. There is no evidence to suggest that the proposed amendments would cause a physical change in the environment. Therefore, the amendments are not subject to CEQA.

Attachments

Attachment 1: Existing enforcement provisions of the Zoning Regulations and Nuisance Regulations.

Attachment 2: Ordinance No. 350-2016 amending Chapter 17.40, “Enforcement”, Sections 17.40.020, 17.40.030, 17.40.040 and 17.40.050 of the Rio Dell Municipal Code (RDMC).



Rio Dell Municipal Code

Existing Zoning Regulations

17.40.020 Violation of Regulations.

Any person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. [Ord. 252 § 8.02, 2004.]

17.40.030 Penalty.

Notwithstanding any other provisions of this title, including RDMC 17.45.020, any person, whether principal, agent, employee or otherwise who violates RDMC 17.30.030 or 17.30.120 shall be guilty of a misdemeanor and may be punished as follows:

- (1) By imprisonment in the County Jail not to exceed six months; or
- (2) A fine not to exceed \$1,000 for violations of RDMC 17.30.030 and a fine not to exceed \$500.00 for violations of RDMC 17.30.120; or
- (3) A combination of such imprisonment and fine. [Ord. 252 § 8.02.5, 2004.]

17.40.040 Declaration of Public Nuisance.

Any building or use operated or maintained contrary to the provisions of these regulations shall be, and the same is hereby declared to be, a public nuisance and shall be subject to injunction and abatement as such. [Ord. 252 § 8.03, 2004.]

17.40.050 Remedies.

The remedies provided herein shall be cumulative and not exclusive. [Ord. 252 § 8.04, 2004.]

Existing Nuisance Regulations

8.10.070. Violations and Penalties.

(A) It shall be unlawful for any person, firm, corporation, or other entity to violate any provision of this chapter. Any person, firm, corporation, or other entity, whether as owner, lessee, sub lesser, sub lessee, or occupant of any Premises that violates the provisions of this

chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:

- (1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;
- (2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed **one thousand dollars**, or by imprisonment of not longer than six months, or both for each violation;
- (3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;
- (4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

8.10.080. Additional Enforcement.

Nothing in this chapter shall be deemed to prevent the City from commencement of any available administrative, civil and/or criminal proceeding to abate a nuisance pursuant to all applicable provisions of law as an alternative and/or in addition to any enforcement proceedings set forth in this chapter.

8.10.090. Cumulative Remedies.

The remedies set forth in this chapter include summary and administrative abatement, administrative citations, civil actions, criminal actions and all other remedies provided for by law. All remedies set forth in this chapter and in all City ordinances for the abatement or punishment of any violation thereof, are cumulative and may be pursued alternatively or in combination. Provisions of this Code are to be supplementary and complementary to all of the City ordinances, the Rio Dell Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City to abate any and all nuisances and to enforce its ordinances.

ORDINANCE NO. 350-2016



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING CHAPTER 17.40, "ENFORCEMENT", SECTIONS 17.40.020, 17.40.030,
17.40.040 AND 17.40.050 OF THE RIO DELL MUNICIPAL CODE (RDMC).**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS during the preparation of the Commercial Cannabis Medical Land Use Ordinance (CMMLUO) staff discovered that the "Enforcement" provisions of the Zoning Regulations, Chapter 17 of the Rio Dell Municipal Code appear to be outdated and not consistent with the enforcement provisions of the fairly recently amended Nuisance Regulations, Chapter 8 of the Rio Dell Municipal Code; and

WHEREAS the main differences are the fine amounts (\$500 vs. \$1000), cumulative penalties for each and every day the violation continues, additional enforcement provisions and cumulative remedies; and

WHEREAS the Planning Commission is recommending the amendments regarding building heights and size limitations to Section 17.30.020, Accessory Uses and Buildings of the Rio Dell Municipal Code (RDMC); and

WHEREAS the Planning Commission recommends that the City's enforcement regulations be consistent; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Chapter 17.40 of the Rio Dell Municipal Code is amended to read in as follows:

**Chapter 17.40
ENFORCEMENT**

Sections:

17.40.010 Issuance of Permits in Violation of Regulations.

17.40.020 Violation of Regulations.

17.40.030 Penalty.

17.40.040 Declaration of Public Nuisance.

17.40.050 Remedies.

17.40.060 Community Development Director Responsible for Enforcement of this Title.

17.40.010 Issuance of Permits in Violation of Regulations.

All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses for uses, buildings or purposes within the City in conflict with the provisions of these regulations, and any such permit, certificate or license issued in conflict with the provisions of these regulations shall be null and void. [Ord. 252 § 8.01, 2004.]

17.40.020 Violation of Regulations.

It shall be unlawful for ~~Any~~ person, whether principal, agent, employee, firm, corporation or otherwise, ~~violating to violate~~ or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than ~~\$500.00~~ \$1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. [Ord. 252 § 8.02, 2004.]

17.40.030 Penalty.

~~Notwithstanding any other provisions of this title, including RDMC 17.40.020, any person, whether principal, agent, employee or otherwise who violates RDMC 17.30.030 or 17.30.170 shall be guilty of a misdemeanor and may be punished as follows:~~

- ~~(1) By imprisonment in the County Jail not to exceed six months; or~~
- ~~(2) A fine not to exceed \$1,000 for violations of RDMC 17.30.030 and a fine not to exceed \$500.00 for violations of RDMC 17.30.170; or~~
- ~~(3) A combination of such imprisonment and fine. [Ord. 252 § 8.02.5, 2004.]~~

Any person, firm, corporation, or other entity, whether as owner, lessee, sub lesser, sub lessee, or occupant of any premises that violates the provisions of this chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:

- (1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;
- (2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed one thousand dollars, or by imprisonment of not longer than six months, or both for each violation;
- (3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;
- (4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

17.40.040 Declaration of Public Nuisance.

Any building or use operated or maintained contrary to the provisions of these regulations shall be, and the same is hereby declared to be, a public nuisance and shall be subject to injunction and abatement as such. [Ord. 252 § 8.03, 2004.]

17.40.050 Remedies.

~~The remedies provided herein shall be cumulative and not exclusive. [Ord. 252 § 8.04, 2004.]~~

Nothing in this chapter shall be deemed to prevent the City from commencement of any available administrative, civil and/or criminal proceeding to abate a violation or nuisance pursuant to all applicable provisions of law as an alternative and/or in addition to any enforcement proceedings set forth in the Rio Dell Municipal Code.

The remedies set forth in this chapter include summary and administrative abatement, administrative citations, civil actions, criminal actions and all other remedies provided for by law. All remedies set forth in this chapter and in all City ordinances for the abatement or punishment of any violation thereof, are cumulative and may be pursued alternatively or in combination. Provisions of this Code are to be supplementary and complementary to all of the City ordinances, the Rio Dell Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City to abate any and all violations or nuisances and to enforce its ordinances.

17.40.060 Community Development Director Responsible for Enforcement of this Title.

- (1) The Community Development Director shall be responsible for the enforcement of the provisions of this title. [Ord. 304, 2013.]
- (2) This title may be enforced by an authorized representative of the Community Development Director. [Ord. 304, 2013.]
- (3) The Chief of Police is hereby designated as an authorized representative of the Community Development Director. [Ord. 304, 2013.]
- (4) The Community Development Director, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, during normal business hours for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.] [Ord. 304, 2013.]

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on September 6, 2016 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the September 20, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 347-2016 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the September 20, 2016.


Karen Dunham, City Clerk, City of Rio Dell


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: November 1, 2016

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: October 26, 2016

Subject: Text Amendment Chapter 13.10 Sewer Rate and Regulations of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding amending Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code (RDMC) to be consistent with the State Water Resource Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*; and
2. Introduce (first reading) Ordinance No. 351-2016 amending Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code (RDMC); and
3. Open the public hearing, receive public input and deliberate; and
4. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of November 15, 2016 for the second reading and adoption.

Discussion

The City was recently contacted by the Humboldt County Department of Health and Human Services, Division of Environmental Health (DEH), regarding the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy).

The OWTS Policy provides a state-wide, risk-based, tiered approach for the regulation and management of onsite wastewater treatment (septic) systems and sets the level of performance and protection expected from them. While the vast majority of septic systems exist within the unincorporated area of Humboldt County, there are some homes and businesses in incorporated jurisdictions, including the City of Rio Dell, which continue to be served by septic systems.

The OWTS Policy defines Local Agency as "any subdivision of state government that has responsibility for permitting the installation of and regulating OWTS within its jurisdictional boundaries, typically a county, city or special district." The state requires each Local Agency in which septic systems are allowed to take specified actions to comply with the OWTS Policy. Each Local Agency within Humboldt County where authorized septic systems are used has language in its Municipal Code reflecting handling of septic system permitting and regulation. Each Local Agency refers to and has adopted, in some capacity, the County of Humboldt's septic regulations and authority. This reference alone is not sufficient to comply with the state OWTS Policy.

The City has relied on the County (DEH) for their review and approval of onsite wastewater treatment (septic) systems for decades. Under the State's OWTS Policy, the City is allowed to develop and administer its own Local Agency Management Plan (LAMP). Staff believes this is not feasible for the City.

DEH requested that each city within the County review its ordinance relating to septic permitting and regulation to consider whether it will seek compliance with the OWTS Policy via adoption of Humboldt County's LAMP or whether it will seek compliance via its own permitting and regulating authority.

The City did contact the County last month and informed them that the City desires to comply with the State's OWTS Policy via adoption of the County's LAMP. The County LAMP is a large document and can be found at: <http://www.humboldt.gov/685/Land-Use-Program>.

The City has worked with the County in amending Chapter 13.10 of the RDMC to incorporate language referring to and adopting the County's Local Agency Management Program for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems. The recommended changes are incorporated in draft Ordinance No. 351-2016, which is included as Attachment 1.

Additionally, DEH asks that each city review any and all agreements it has with the County of Humboldt for environmental health services. All existing agreements must be updated. Where no agreement exists, one must be written and adopted by both parties. The City does not have an existing agreement with the County. The County is in the process of developing the required agreement for all jurisdictions in the County that rely on DEH for review and approval of onsite wastewater treatment (septic) systems. Once the agreement is presented to the City, staff recommends that the Council authorize the City Manager to review and execute the agreement.

Attachments

Attachment 1: Draft No. Ordinance No. 351-2016 amending Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code (RDMC) adopting the County's Local Agency Management Program for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems.

ORDINANCE NO. 351-2016



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING CHAPTER 13.10 SEWER RATES AND REGULATIONS OF THE RIO DELL
MUNICIPAL CODE (RDMC) ADOPTING THE COUNTY'S LOCAL AGENCY
MANAGEMENT PROGRAM FOR THE SITING, DESIGN, OPERATION AND
MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS.**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the City was recently contacted by the Humboldt County Department of Health and Human Services, Division of Environmental Health (DEH), regarding the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy); and

WHEREAS the OWTS Policy provides a state-wide, risk-based, tiered approach for the regulation and management of onsite wastewater treatment (septic) systems and sets the level of performance and protection expected from them; and

WHEREAS while the vast majority of septic systems exist within the unincorporated area of Humboldt County, there are some homes and businesses in incorporated jurisdictions, including the City of Rio Dell, which continue to be served by septic systems.; and

WHEREAS the state requires each Local Agency in which septic systems are allowed to take specified actions to comply with the OWTS Policy; and

WHEREAS each local agency within Humboldt County where authorized septic systems are used has language in its Municipal Code reflecting handling of septic system permitting and regulation. Each Local Agency refers to and has adopted, in some capacity, the County of Humboldt's septic regulations and authority; and

WHEREAS each local agency refers to and has adopted, in some capacity, the County of Humboldt's septic regulations and authority; and

WHEREAS the City has relied on the County (DEH) for their review and approval of onsite wastewater treatment (septic) systems for decades. Under the State's OWTS Policy, the City

is allowed to develop and administer its own Local Agency Management Plan (LAMP). Staff believes this is not feasible for the City; and

WHEREAS the City did contact the County last month and informed them that the City desires to comply with the State's OWTS Policy via adoption of the County's LAMP; and

WHEREAS the City has worked with the County in amending Chapter 13.10 of the RDMC to incorporate language referring to and adopting the County's Local Agency Management Program for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Section 13.10.210 of the Rio Dell Municipal Code is amended to read in as follows:

13.10.210 Sewer system required.

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, an ~~septic tank~~ onsite wastewater treatment (septic) system which meets the requirements of ~~construction and maintenance as required by the said~~ the County Health Department. With respect to the use of onsite wastewater treatment systems within the City of Rio Dell, the City of Rio Dell adopts the Humboldt County Code, its regulations and when approved and implemented, its Local Agency Management Program for the siting, design, operation and maintenance of onsite wastewater treatment systems.

It shall be unlawful for any person to construct or maintain any ~~privy, cesspool, septic tank,~~ onsite wastewater treatment system, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

- (1) Overflow any lands whatever;
- (2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell; ~~provided, however, with,~~ With respect to existing ~~septic tanks, sewage treatment works, sewer pipes or conduits or other pipes or conduits for the treatment or discharge of sewage or impure waters,~~ onsite wastewater treatment systems if it would be

impossible to comply with all the provisions requirements of this section, the County Health Department, the County Health Officer shall have the power by special permit to allow such variations from the provisions contained in this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purpose and intent hereof. may authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the County Health Department.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first submitting obtaining plans of the means of sewage disposal to the City Manager or designee and obtaining a permit therefor as herein provided. Such plans shall include the plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field, giving all dimensions and other pertinent information. No sewage disposal installation shall be made without inspection. A copy of each inspection report shall be filed with the Health Officer a permit to do so from the County Health Department. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 21, 1987.]

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on November 1, 2016 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 15, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 351-2016 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 15, 2016.

Karen Dunham, City Clerk, City of Rio Dell